



Practitioner's Docket No. 2960/116

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Aaron Berez, Wolfgang Fitz, Philipp Lang, Daniel Steines, Konstantinos Tsougarakis, Rene Vargas-Voracek, and Cecily Anne Snyder

Application No.: 10/724,010

Group No.: 3732

Filed: 11/25/2003

Examiner: Philogene, Pedro

For: Patient Selectable Joint Arthroplasty Devices and Surgical Tools Facilitating Increased Accuracy, Speed and Simplicity in Performing Total and Partial Joint Arthroplasty

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

AMENDMENT TRANSMITTAL

1. Transmitted herewith is a response for this application.

STATUS

2. Applicant is a small entity. A statement was already filed.

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*

*(When using Express Mail, the Express Mail label number is mandatory;
Express Mail certification is optional.)*

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

☒ deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

37 C.F.R. § 1.8(a)

☒ with sufficient postage as first class mail.

37 C.F.R. § 1.10*

☐ as "Express Mail Post Office to Addressee"

Mailing Label No. _____ (mandatory)

TRANSMISSION

☐ facsimile transmitted to the Patent and Trademark Office, (571) 273 - 8300.


Signature

Date: June 16, 2006

Alexander J. Smolenski, Jr.

(type or print name of person certifying)

* Only the date of filing (' 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under ' 1.8 continues to be taken into account in determining timeliness. See ' 1.703(f). Consider "Express Mail Post Office to Addressee" (' 1.10) or facsimile transmission (' 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

EXTENSION OF TERM

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply. Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

FEE FOR CLAIMS

4. The fee for claims (37 C.F.R. 1.16(b)-(d)) has been calculated as shown below:

	(Col. 1)	(Col. 2)	(Col. 3)	SMALL ENTITY			
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDIT. FEE		
TOTAL	66	— 78	= 0	x \$ 25.00	= \$	0.00	
INDEP.	2	— 5	= 0	x \$ 100.00	= \$	0.00	
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM				+ \$ 0.00	= \$	0.00	
				TOTAL ADDIT. FEE	\$	0.00	

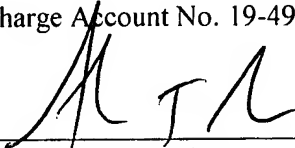
No additional fee for claims is required.

FEE DEFICIENCY

5. If an additional extension and/or fee is required, charge Account No. 19-4972.

If an additional fee for claims is required, charge Account No. 19-4972.

Date: June 16, 2006



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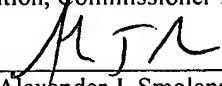


IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Berez et al. Att'y Docket: 2960/116 (previously 6700-0005.21)
Appln. No.: 10/724,010 Filing Date: November 25, 2003
Customer No.: 02101 Conf. No.: 7525
Examiner: Philogene, P. Art Unit: 3732
Invention: Patient Selectable Joint Arthroplasty Devices and Surgical Tools
Facilitating Increased Accuracy, Speed and Simplicity in Performing
Total and Partial Joint Arthroplasty

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, PO Box 1450 Alexandria, VA 22313-1450 on June 16, 2006.


Alexander J. Smolenski, Jr.

Mail Stop Petition
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

RESPONSE

Dear Sir:

Applicant respectfully submits this response and requests that the following amendments and remarks, in response to the Office Action mailed July 19, 2005, be considered. Also accompanying this response is a petition to revive an unintentionally abandoned application and the required petition fee.

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 10 of this paper.